

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Transfer Application No.759 of 2016

Date of Decision: January 19, 2017

Manpreet Kaur

...Applicant

Versus

Gagandeep Singh Jaggi

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Manjit Singh Uppal, Advocate,
for the applicant.

Mr.Munish Bhardwaj, Advocate,
for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicant-wife, by way of instant transfer application under Section 24 of the Code of Civil Procedure, seeks transfer of petition under Section 9 of the Hindu Marriage Act, titled as “***Gagandeep Jaggi vs. Manpreet Kaur***” filed by the respondent-husband, from Jalandhar to Patiala.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that the applicant-wife along with her minor children is living at her parental house at Patiala. Respondent-husband is not paying any amount of maintenance either to the wife or to the children. Distance between Jalandhar and Patiala is about 150 km. Since the applicant is not having any source of income, she is dependent

on her parents.

Under these circumstances, applicant-wife shall be facing very hardship while going from Patiala to Jalandhar, to pursue the litigation imposed on her by the respondent-husband. Financial status of the wife, her source of income, responsibility for bringing up the children and distance between two places are some of the relevant consideration for transferring the matrimonial proceedings at the instance of the applicant-wife, as in the present case.

In fact, interest of justice demands the transfer of petition filed by the respondent-husband from Jalandhar to Patiala

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant transfer application deserves to be accepted.

Consequently, learned District Judge, Jalandhar, is directed to send the complete record of the petition under Section 9 of the Hindu Marriage Act titled as ***“Gagandeep Jaggi vs. Manpreet Kaur”*** to the learned District Judge, Patiala, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Patiala, shall either decide the case himself or assign it to another Court of competent jurisdiction at Patiala, for its early decision, in accordance with law.

With the above-said observations made and directions issued,
instant transfer application stands allowed however, with no order as to
costs.

January 19, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>